

EXHIBIT D

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11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

13 AUDATEX NORTH AMERICA,
14 INC.,

15 Plaintiff,

16 vs.

17 MITCHELL INTERNATIONAL,
INC.,

18 Defendant.
19

Case No. 3:13-cv-01523-BEN-BLM

JURY TRIAL DEMANDED

**DEFENDANT MITCHELL
INTERNATIONAL, INC.'S THIRD
SUPPLEMENTAL RESPONSES TO
PLAINTIFF AUDATEX NORTH
AMERICA, INC.'S FIRST SET OF
INTERROGATORIES (NOS. 2, 4-9, 13,
16, and 17)**

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INTERROGATORY NO. 8:

Identify all witnesses knowledgeable about, and documents (including by Bates number and, for any source code excerpts, by line number) which describe, each of the features and functionality of the Accused Products that are the subjects

1 of Interrogatory Nos. 4-7.

2 **RESPONSE TO INTERROGATORY NO. 8:**

3 Mitchell objects to this Interrogatory as vague and ambiguous. Specifically,
 4 and without limitation, Mitchell objects to the terms “features” and “functionality”
 5 as vague and ambiguous. Mitchell also objects to this Interrogatory as overbroad
 6 and unduly burdensome including, without limitation, to the extent it seeks the
 7 identification of “all” witnesses and documents. Mitchell also objects to this
 8 Interrogatory to the extent that it purports to be a single Interrogatory, but contains
 9 multiple subparts. Mitchell further objects to this Interrogatory to the extent it
 10 seeks the production of information regarding source code not in accordance with
 11 the terms of the Protective Order entered in this case. Mitchell also objects to the
 12 term “accused products” as vague, ambiguous, overbroad, unduly burdensome, and
 13 not reasonably calculated to lead to the discovery of admissible evidence to the
 14 extent that it requires construction of claim terms, or encompasses functionality not
 15 disclosed in Audatex’s Complaint or Infringement Contentions and to the extent it
 16 purports to include any products, services, or instrumentalities not identified in
 17 Audatex’s Complaint or Infringement Contentions.

18 Subject to these objections and the General Objections set forth above,
 19 Mitchell identifies the following individuals as knowledgeable regarding features
 20 and functions of Mitchell’s accused products: Jesse Herrera and Paul Rosenstein.
 21 Mitchell further incorporates by reference the individuals identified in Mitchell’s
 22 Response to Interrogatory No. 9, *infra*, as individuals knowledgeable regarding
 23 various features and functions of Mitchell’s WorkCenter Total Loss product.

24 Mitchell further states that, pursuant to Fed. R. Civ. P. 33(d), Mitchell
 25 designates the following documents as examples of those containing responsive
 26 information relating to the operation and functionality of Mitchell’s WorkCenter
 27 product: MITCHELL00000587; MITCHELL00000617; MITCHELL00002517;
 28 MITCHELL00002718; MITCHELL00003261; MITCHELL00003343;

1 MITCHELL00015105. Mitchell also designates the following technical documents
2 as examples of those relating to its UltraMate product, also known as Mitchell
3 Estimating: MITCHELL0001218; MITCHELL00001219; MITCHELL00001235;
4 MITCHELL00001237. The foregoing documents do not constitute an exhaustive
5 list, but are presented by way of example.